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In re Application of :
MERNOE :
Application No.: 10/591,190 : DECISION
PCT No.: PCT/DK2006/000195 :
Int. Filing Date: 06 April 2006 :
Priority Date: 06 April 2005 :
Attorney's Docket No.: 18879-014US1 :
For: AN ACTUATOR :

This decision is in response to applicant's "REQUEST TO CORRECT FILING DATE," which has properly been treated as a petition under 37 CFR 1.10(c), filed on 05 February 2007 in the United States Patent and Trademark Office (USPTO)

BACKGROUND

On 06 April 2006, applicants filed international application PCT/DK2006/000195 which designated the U.S. and claimed a priority date of 06 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 12 October 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 October 2007 (06 October 2007 being a Saturday and 08 October 2007 being a Federal holiday).

On 31 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 05 February 2007, applicant submitted the instant "REQUEST TO CORRECT FILING DATE," which has properly been treated as a petition under 37 CFR 1.10(c). The petition was accompanied by, *inter alia*, a copy of a postcard receipt date-stamped 30 August 2006 by the USPTO, and a copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label #EV831645665US. The mailing label shows a date of "83106" in the "Date Accepted" box.

DISCUSSION

The evidence of record is sufficient to establish with reasonable certainty that the application papers and basic national fee were deposited with the United States Postal Service as an "Express Mail Post Office to Addressee" mailing on 31 August 2006. Specifically, the

"Express Mail" label number ("EV831645665US") appears on the Transmittal Letter, which also lists the above-identified attorney docket number and title. As discussed above, the copy of the Customer Copy of this "Express Mail" label shows a "Date Accepted" of 31 August 2006.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.10(c) requesting that the application papers and the basic national fee be accorded a receipt date of 31 August 2006 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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